FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 1379 OF 2003.

Kashinath Mahadeo Parab ... Applicant.
vs.
Subhash Gangaram Parab & ors... Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

---

Shri H.E. Palwe for the applicant.

CORAM: V.M.KANADE,J.
DATED: 11-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant.

2. The applicant has filed this application for leave to file appeal against the judgment and order passed by the Judicial Magistrate, F.C., Kudal. By the said judgment and order dated 25-2-2003 the trial Court was pleased to acquit the respondents- accused of the offences punishable under sections 323,427, 447, 504, 506 (2) read with section 34 of the Indian Penal Code. The case of the complainant is that the respondents-accused entered his house situate at village Kupavade and assaulted his servant- Arjun and caused loss of Rs. 50,000/- by damaging the property inside

the bungalow.

3. Learned Counsel appearing on behalf of the applicant has taken me through the judgment and order of the trial Court and also the evidence adduced by the complainant in support of his case. It is an admitted position that the complainant is a permanent resident of Bombay and was not present at the time when the incident had occurred. The complainant has examined his servant- Arjun in support of his case. He has stated that this incident was witnessed by two children of the tenant who is residing in the compound. The complainant has not examined the 2 children as his witnesses. It is not possible to accept the sole testimony of the servant of the complainant. Admittedly, there is dispute between the parties. The trial Court, in my view, has given cogent reasons for acquitting the accused of the offences with which they were charged.

4. Leave is accordingly refused. Delay in filing this application is, however, condoned.